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MAILED

Shemwell & Gregory, LLP
4880 Stevens Creek Blvd.
Suite 201
San Jose, CA 95129

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TECHNOLOGY CENTER 2100

In re Application of: Gelvin, et al.)
Application No. 09/684,742) WITHDRAWAL OF HOLDING OF
Attorney Docket No. 21200-711) ABANDONMENT *under 37 CFR 1.181*
Filed: October 4, 2000)
For: METHOD FOR INTERNETWORKED)
HYBRID WIRELESS INTEGRATED)
NETWORK SENSORS (WINS))

This is a decision on the petition, filed June 22, 2005 requesting the Withdrawal of the Holding of Abandonment of the above-identified application, under 37 CFR §1.181. This application was held abandoned for failure to timely respond to the Office action mailed August 20, 2004. A Notice of Abandonment was mailed on May 5, 2005.

In support thereof, Petitioner's evidence that the August 20, 2004 Office action was not mailed to the proper address includes a copy of a stamped post card receipt; a transmittal letter; a combined statement under 37 CFR 3.73(b) establishing power of attorney by Assignee and a change of address; and a listing of applications to effect change.

In light of the evidence provided, specifically MPEP § 403, Customer Number Practice (at the time the papers were filed, i.e. August 2, 2002), applicant's timely submission of the combined statement under 37 CFR § 3.73(b), power of attorney and change of address, filed on August 2, 2002, appears to have been in compliance and should have been entered into the file.

Petitioner evidence has established *prima facia* non-receipt of the Office action. Accordingly, the petition is **GRANTED**. The power of attorney and correspondence address have been updated as per the August 2, 2002 filing.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment, before **Redating/Rermailed** the August 20, 2004 non-final Office action to the Applicant.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
571-272-3595